



HOUSE OF REPRESENTATIVES

HB 2088

schools; assessments; surveys; informed consent

Prime Sponsor: Representative Finchem, LD 11

DPA Committee on Education

DPA Caucus and COW

X As Transmitted to the Governor

OVERVIEW

HB 2088 prohibits public schools from administering specified surveys to students without obtaining written informed consent from parents and prescribes penalties for violations.

PROVISIONS

1. Requires all school districts and charter schools to obtain written informed consent from parents before administering any survey that is retained for longer than one year and solicits specified personal information about the student.
2. Directs school districts and charter schools to obtain yearly written informed consent from parents at the beginning of the school year and permits parents to revoke consent at any time.
3. Requires consent only from the student, if the student is over 18.
4. Requires all applicable surveys to be approved and authorized by the school district or charter school.
5. Prohibits teachers or school employees from administering applicable surveys without written authorization from the school district or charter school.
6. Applies requirements to all applicable surveys regardless of the stated purpose or quantity of questions that solicit applicable data, including written or digital surveys.
7. Prescribes surveys and items that are exempt.
8. Prohibits penalties from being imposed on a student or a parent that does not participate in applicable surveys.
9. Prohibits participation in an applicable survey from being required to:
 - a. Demonstrate that a student has met competency requirements for any grade level, course or subject.
 - b. Qualify for placement into any grade level, course or subject.
 - c. Promote a student to the next grade.
 - d. Receive credit for any course or as part of a letter grade.
 - e. Graduate from high school.
 - f. Obtain a high school equivalency diploma.
10. Requires school districts and charter schools to provide an alternative educational activity for students whose parents do not consent to participation in an applicable survey.

11. Requires students participating in alternative educational activities to be counted towards attendance and Average Daily Membership and prohibits those students from being counted absent.
12. Prohibits applicable survey responses from being included:
 - a. As part of a school academic performance indicator or similar rating system.
 - b. In the Education Learning and Accountability System or similar system.
 - c. In the Student Accountability Information System or similar system.
 - d. In any school, administrator or teacher rating system. (Removed in [H.B. 2190](#))
13. Prohibits penalties or rewards for teachers, administrators, school employees, schools, school districts or charter schools based on the student participation rate in applicable surveys.
14. Requires school districts and charter schools to provide specified available information in a timely manner to parents, on request, regarding administered surveys.
15. Permits parents with a reasonable belief that a violation has occurred to file a complaint with the Attorney General (AG) or county attorney.
16. Permits the AG or county attorney to initiate a suit in superior court for the public school to comply with requirements.
17. Exempts school districts and charter schools from penalties if the school receives written notice on an alleged failure to comply and the school cures the violation.
18. Permits the court to impose a civil penalty of up to \$500 for each violation and instructs the school district or charter school that is out of compliance to be responsible for payment.
19. Permits an attorney acting on behalf of a public school to request a legal opinion from the AG or county attorney as to whether a violation would occur.
20. Requires all collected penalties to be paid to the AG or county attorney, as applicable, for use and reimbursement costs of prosecution.
21. Prohibits student level nontest data from inclusion in longitudinal, student level data unless approved in a public Arizona State Board of Education (SBE) meeting and linked on SBE's website.
22. Requires SBE to ensure that adopted tests only collect types of nontest data that are approved by SBE in a public meeting and posted on the website.
23. Requires SBE to post in a prominent position on the home page of the website a link to nontest indicators.
 - a. Requires the web page to state the types of data collected, the reasons for collection and the entities with which the data is shared.
24. Defines terms.
25. Makes technical and conforming changes.

CURRENT LAW

[A.R.S. § 15-102](#) requires governing boards, in consultation with parents, teachers and administrators, to develop and adopt policies regarding parental involvement in school. Included in those policies are requirements to adopt procedures to allow parents who object to learning material or activities due to harmful material to withdraw their children from the activity, procedures for parents to learn about and review the course of study and supplemental

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educational materials and procedures for parents to learn about their rights and responsibilities under the laws of the state.